IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL REVISION APPLICATION NO.39 OF 2005

Balkrishna Vinayak Inamdar & ors. Applicants

Vs.

State of Maharashtra & ors. Respondents

Mr.A.A.Joshi for applicants.
Mrs.G.P.Mulekar, AGP for respondents.

CORAM: B.H.MARLAPALLE,J.
July 04, 2005.

ORAL ORDER:

1. Heard Mr.Joshi, the learned counsel for the applicants and Mrs.Mulekar, the learned AGP for the respondents.

2. Rule. Respondents waive service. By consent rule made returnable forthwith.

3. An application submitted under section 18 of the Land Acquisition Act, 1894 has been rejected by the impugned order dated 5-1-2005 passed by the Special Land Acquisition Officer at Solapur on the ground that applicant failed to remit the court fees.

4. This court in the case of Manjiri Ranganath Kulkarni v. State of Maharashtra reported in **2003**

(1) Mh.L.J. 93 has held that the Collector cannot reject an application for reference submitted by the claimant unless the fact of alleged deficit court fees is brought to the notice of the claimant and the claimant is given a reasonable time to make the payment of the balance of the required court fees. The applicants have submitted an undertaking duly signed by the applicant no.1 that the entire court fees would be remitted within three weeks from today, before the Special Land Acquisition Officer. The said undertaking is taken on record and marked as "X" for identification.

5. In view of the law laid down by this court in the case of Manjiri Kulkarni (Supra) and the undertaking submitted by the applicants to remit the court fees within a period of three weeks, this application deserves to be allowed and the same is hereby allowed. The impugned order dated 5-1-2005 is hereby quashed and set aside. The application submitted by the applicants for reference under section 18 of the Act is hereby restored subject to the remittance of the court fees within a period of three weeks from today.

5. Rule made absolute accordingly with no order as to costs.

6. Writ to go forthwith.

(B.H.MARLAPALLE,J.)